

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9034 of 2025

Sanjeet Thakur, S/o Ganpat Thakur, Resident of Village- Parsa Madho, P.S.-
Kisanpur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The District Magistrate, Supaul.
4. The District Education Officer, Supaul.
5. The District Programme Officer, Secondary Education, Supaul.
6. The District Programme Officer, Mid day Meal Scheme, Supaul.
7. The Executive Engineer, Bihar State Educational Infrastructure Development Corporation Limited, Executive Engineer Office, District-Supaul.
8. The Deputy Manager Technical, (ASAINIK), Bihar State Infrastructure Development Corporation Limited, Executive Engineer Office, District-Supaul.
9. The Circle Officer, Circle Kishanpur, District- Supaul.
10. The Block Education Officer, Block Education Office, Kishanpur, District-Supaul.
11. The Junior Engineer, Bihar State Educational Infrastructure Development Corporation Limited, Junior Engineer Office, District- Supaul.
12. The Headmaster, Upgraded Higher Secondary School, Parsa Madho, P.S.- Kishanpur, District- Supaul.
13. The Mukhiya Panchayati Raj, Parsa Madho, P.S.- Kishanpur, District-Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Mishra, Advocate
For the State	:	Mr. P.K. Shahi, Advocate General
For the BSEIDC	:	Mr. Girjish Kumar, Advocate

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 12-09-2025



In the instant petition, petitioner has prayed for the following relief(s):-

- “i) For issuance of appropriate writ/writs, direction/directions order/orders, commanding and directing the Respondent concerned to stop the construction of Government School Building of village Parsa Madho at another revenue village namely Aasanpur Kupaha specially when there is pre-allotted land situated in village Parsa Madho upon which a school was running remain.*
- ii) For issuance of writ/writs, direction/directions order/orders, commanding and directing the Respondent concerned to construct a new school building at one piece of land bearing Khata No. 325, Khesra No. 1321, 956, 965, 1299 having Area of total 4.7 decimal of land upon which earlier a school was running for imparting education in common and poor children of village Parsa Madho. The same school gets destroyed due to erosion in Koshi River, but now when the whole village gets re-settled at his pre-situated area.*
- iii) And/or any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.”*

2. The aforementioned relief cannot be granted for the



reason that it is the entirely policy decision of the State in respect of construction of a school building with reference to their relevant policy. Therefore, the petitioner cannot insist that a new school building is required to be constructed in Khata No. 325, Khesra No. 1321, 956, 965, 1299 having an area of a total 4.7 decimal land. For issuance of direction to the concerned authority in a PIL certain elements are to be examined like a public duty cast on the authority, failure or inaction to perform that duty, public interest element and *bona fide* intention and, no equally efficacious alternative remedy. The petitioner has not made out his case with reference to the aforementioned principles.

3. The grievance of the petitioner is that the State Government has not established educational institution at the level of the petitioner's Gram Panchayat/place. A direction was sought for issuance of mandamus to compel the Government to establish such an institution in the cited place (*supra*).

4. The policy of the State Government with regard to establishment of educational institutions at the Panchayat level depends upon relevant factors like:

- (a) population of the area;
- (b) density of student community;
- (c) geographical accessibility;



- (d) availability of infrastructure and
- (e) resources and financial viability of the State.

5. It is well settled that such matters fall within the policy/making domain of the Executive, and unless the policy is shown to be arbitrary, discriminatory or unconstitutional, this Court cannot substitute its wisdom for that of the Government.

6. Hon'ble Supreme Court in its several decisions held that Court should not interfere in policy matters except on certain limited grounds, namely:

- (a) ***State of Himachal Pradesh and Others vs. Himachal Pradesh Nizi Vyavsayik Prishikshan Kendra Sangh***, reported in ***(2011) 6 SCC 597*** in which it is held that Courts are not intended to and should not substitute their views in the views of the Executive in policy matters;
- (b) ***BALCO Employees' Union (Regd.) vs. Union of India and Others***, reported in ***(2002) 2 SCC 333*** in which it is held that unless a policy decision is arbitrary, *mala fide* or contrary to statutory provisions, Courts cannot interfere;
- (c) ***Narmada Bachao Andolan vs. Union of India and Others***, reported in ***(2000) 10 SCC 664*** in which it is held that Courts should not examine the wisdom or correctness of policy choices.



7. The aforementioned principles are evident that the decision whether or not to establish an educational institution in a particular Panchayat is a matter of Governmental policy based on various socio-economic factors. The Court cannot issue a mandamus compelling the State to deviate from its policy framework.

8. In the light of aforementioned discussions, writ petition is dismissed, with liberty to the petitioner to make a detailed representation to the competent authority, who will consider the same in accordance with law and Government policy.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

P.K.P./-

AFR/NAFR	AFR
CAV DATE	
Uploading Date	17.09.2025
Transmission Date	

